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7 *Attorneys for State Defendants*

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11

12 **GERALD S. RIGHETTI,**

13 Plaintiff,

14 v.
15

16 **CALIFORNIA DEPARTMENT OF CORRECTIONS
AND REHABILITATION ET AL.,**

17 Defendants.
18

CV 11-2717 EMC

**STIPULATION AND REQUEST TO
EXTEND TIME FOR STATE
DEFENDANTS TO RESPOND TO
PLAINTIFF'S SECOND AMENDED
COMPLAINT ; ORDER**

Courtroom: 5 (17th Floor)
Judge: Hon. Edward M. Chen
Trial Date: None Set
Action Filed: June 6, 2011
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Pursuant to Local Rules 6-1(b) and 6-2, Plaintiff Gerald S. Righetti and the State Defendants¹ by and through their counsel hereby stipulate to and request that the State Defendants have until fourteen days after the parties' next Case Management Conference (currently set for January 3, 2012), to answer or otherwise respond to Plaintiff's Second Amended Complaint.

Dated: November 29, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JOHN P. DEVINE
Supervising Deputy Attorney General

/s/ Micah C.E. Osgood

MICAH C. E. OSGOOD
Deputy Attorney General
Attorneys for State Defendants

Dated: November 29, 2012

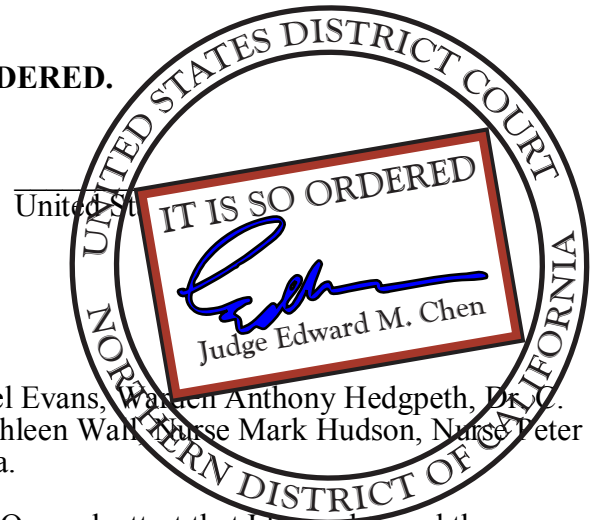
Respectfully submitted,

/s/ Meghan Woodsome²

DARIN SNYDER
MEGHAN WOODSOME
DIXIE NOONAN
O'Melveny & Myers LLP
Attorneys for Plaintiff Gerald S. Righetti

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATE: 11/29/12



¹ The State Defendants comprise Warden Michael Evans, Warden Anthony Hedgpeth, Dr. C. Dudley Lee, Dr. Michael Sepulveda, Nurse Kathleen Wall, Nurse Mark Hudson, Nurse Peter Chalich, and Nursing Assistant Marcella Zuniga.

² Pursuant to Local Rule 5-1(i)(3), I, Micah C.E. Osgood, attest that I have obtained the concurrence of Megan Woodsome in the filing of this document and that I have and will maintain records supporting this concurrence for production as required. /s/ Micah C.E. Osgood

DECLARATION IN SUPPORT

I, Micah C.E. Osgood, declare as follows:

1. At the hearing before the Court on the State Defendants' motion to dismiss, the Court stated that it would decide at the upcoming case management conference whether Plaintiff would have leave to amend after opportunity to perform additional factual development and/or pursue limited discovery.

2. Because of the need to file an amended complaint regarding other parties in this case, Plaintiff has filed a Second Amended Complaint with new allegations as to those other parties. But under the rules, the State Defendants are nevertheless required to respond to this amended complaint despite the lack of any new allegations concerning them.

2. Granting this stipulated request would conserve the Parties' and the Court's resources by obviating the need to relitigate the sufficiency of a complaint that has not been amended as to the State Defendants and to which this Court has already issued an order.

3. Accordingly, the Parties respectfully request that the State Defendant be allowed to defer responding to the Second Amended Complaint until fourteen days after the next case management conference, to the extent not otherwise affected by other orders of the Court.

4. Pursuant to Local Rule 6-1(a), the State Defendants and Plaintiff have stipulated to one previous extension to the initial response to Plaintiff's First Amended Complaint. Plaintiff and the State Defendants are not aware of any effects on the schedule of this case caused by this stipulation and request.

Dated: November 29, 2012

Respectfully submitted,

/s/ Micah C.E. Osgood

MICAH C. E. OSGOOD
Deputy Attorney General
Attorneys for State Defendants

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